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1 UNITED STATES BANKRUPTCY COURT

2 EASTERN DISTRICT OF NEW YORK

3 Case No. 1-11-46867 -cec

4 Adv. Case No. 1-12-01343-cec

5 - - - - - x

6 In the Matter of:

7

8 MAN KIT NG,

9

10 Debtor.

11

12 - - - - - x

13 ROBERT L. GELTZER, TRUSTEE

14 Plaintiff

15 vs.

16 MAN KIT NG

17 Defendant

18 - - - - - x

19

20 U.S. Bankruptcy Court

21 271-C Cadman Plaza East

22 Brooklyn, New York

23

24 February 3, 2014

25 10:22 AM

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2 B E F O R E :

3 HON. CHIEF JUDGE CARLA E. CRAIG

4 U.S. BANKRUPTCY JUDGE

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1 HEARING RE: [1] Complaint by Robert L. Geltzer against Man  
2 Kit Ng - Nature(s) of Suit: (41 Objection/revocation of  
3 discharge - 727(c), (d), (e).

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5 HEARING RE: [25} Motion for Sanctions Under USC 28 Section  
6 1927 Attorney Liability for Excessive Costs.

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25 Transcribed by: Pamela Skaw

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16 BY: ROBERT L. GELTZER, ESQ.

17 MARK E. BRUH, ESQ.

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1 P R O C E E D I N G S

2 THE CLERK: Calling adversary 12-1343, Geltzer  
3 versus Ng.

4 (Pause.)

5 THE COURT: Do you have a pen?

6 THE CLERK: Appearances, please.

7 MR. GELTZER: I'm Robert L. --

8 THE COURT: Thank you.

9 MR. GELTZER: -- Geltzer, trustee. I'm here with  
10 my associate, Mark Bruh.

11 MR. BRUH: Good morning, Your Honor.

12 MR. DAHIYA: Good morning, Judge. Karamvir Dahiya  
13 appearing for Man Kit Ng and I'm with my colleague,  
14 Ms. Navpreet Kaur.

15 MS. KAUR: Good morning, Your Honor.

16 THE COURT: Good morning.

17 MR. GELTZER: Good morning, Your Honor. Your  
18 Honor, this case was filed August 9, 2011, so it's two and a  
19 half years later. About eight hearings in, I've incurred  
20 approximately \$37,333 of time, excluding today, and why are  
21 we here today? We're here today because Mr. Dahiya is  
22 opposing a dismissal that I'm trying to effectuate of an  
23 adversary proceeding against his client.

24 Now, when we were here on Wednesday, when  
25 Mr. Dahiya again failed to appear, Your Honor asked, well,

1       is this sanctionable conduct of Dahiya or did this have to  
2       do with his client?

3                 THE COURT: Okay, well --

4                 MR. GELTZER: And I --

5                 THE COURT: -- let's -- Okay. Mr. Geltzer, I  
6       think we need to get very specific about what it is you  
7       think specifically, specific acts that you think warrant or  
8       would justify the imposition of sanctions under 1927, which,  
9       as you know, are committed to my discretion.

10                MR. GELTZER: I understand, Your Honor. And  
11       that's just what I was going to do and --

12                THE COURT: You're going -- you're asking me to  
13       extend myself to exercise my discretion for your benefit.

14                MR. GELTZER: I am, Your Honor, and I must --

15                THE COURT: And don't just pile a bunch of facts  
16       up and say, okay, just look through that, and somewhere in  
17       there, there'll be justification. I need specifics here.

18                MR. GELTZER: I'm going to go through them  
19       chronologically, one by one, Your Honor.

20                THE COURT: Okay.

21                MR. GELTZER: That's just what I was going to do.  
22       And, I might add, Your Honor, that my asking for sanctions,  
23       I don't, in any way, feel it's only for my benefit. I feel  
24       it's for the benefit of the system.

25                All right. When this case, when Mr. Dahiya filed

1 his case August 9, 2011, there was a deficient filing. He  
2 didn't file pay stubs. That's not his client's fault. He's  
3 supposed to know that. On --

4 THE COURT: Okay. Is that sanctionable under  
5 1927?

6 MR. GELTZER: Your Honor, I think you have to look  
7 at this in that what precipitated this motion was his  
8 opposition to my --

9 THE COURT: Okay. But he wants --

10 MR. GELTZER: Judge, please let me --

11 THE COURT: -- the case to be -- he wants the case  
12 to be dismissed with prejudice, I think, is what is -- so  
13 unless you're telling me that when a -- in the circumstances  
14 like this, when the plaintiff seeks to dismiss a case  
15 without prejudice, that it's -- it is sanctionable conduct  
16 to seek a dismissal with prejudice, then I don't see how  
17 you're talking about sanctions here.

18 MR. GELTZER: Judge, if you'll just let me finish  
19 a thought here or there, I think I can get to that.

20 THE COURT: I -- I am very familiar with the  
21 record in this case. Trust me. Very familiar.

22 MR. GELTZER: Judge, the motion for sanctions was  
23 made because of a refusal to accept the dismissal. Had he  
24 called, even, and said, I want a dismissal with prejudice --

25 THE COURT: You think --

1 MR. GELTZER: I -- Judge, I --

2 THE COURT: -- so you're telling me that is  
3 sanctionable conduct?

4 MR. GELTZER: -- really have --

5 THE COURT: You're telling me that's sanctionable?

6 MR. GELTZER: Judge, if you would just let me  
7 finish one sentence, I think I can make my point. All  
8 right? That's why we brought the sanctions motions. But  
9 when you bring the sanctions motions, then you have to look  
10 backwards to that entire course of conduct. It's not just  
11 the one act. It's a course of conducts because there are  
12 four elements. There's the multiplication of proceedings.  
13 There's acting exatiously, acting in bad faith, multiplying  
14 proceedings -- so you have to look backwards. That was the  
15 trigger and that's why we're looking backwards and that's  
16 why I wanted -- I was going to be very specific to try to  
17 respond to your question of Wednesday.

18 THE COURT: All right. Well --

19 MR. GELTZER: I know you're familiar --

20 THE COURT: Okay, Mr. --

21 MR. GELTZER: -- with the record.

22 THE COURT: Mr. Geltzer, let me just tell you  
23 where -- let me just see if I can shortcut this.

24 I do not see this as a case for sanctions and I do  
25 not think that this is an opinion that you want me to write

1 or that Mr. Dahiya would want me to write. I don't think  
2 anyone wants to see a written opinion on this. So I would  
3 say -- I would consider settling this by dismissing the case  
4 and walking away from this. That would be my strong  
5 suggestion.

6 MR. GELTZER: Judge, you know, obviously, and I'd  
7 have to say you could do whatever you like. I have no  
8 problem in an opinion. I see --

9 THE COURT: You may have a problem with the  
10 opinion that I'm going -- that I would write if I wrote an  
11 opinion on this. You might not like to see what I'm -- what  
12 I would write.

13 MR. GELTZER: Judge, what do you -- I -- you know,  
14 because this is -- I don't know how you want me to respond,  
15 Judge.

16 THE COURT: I would like you to --

17 MR. GELTZER: I'm here for eight times for a  
18 hearing for a man who, in terms of, did not -- refused to  
19 come to hearings, did not make documents available, told his  
20 client not to testify, didn't file the papers he was  
21 supposed to file and you're telling me that I might not like  
22 -- as soon as we got the documents, or some of them, we  
23 brought -- we submitted our dismissal. If he wanted it  
24 without prejudice, I really don't care -- with prejudice, I  
25 don't care. He could have called. Instead, what does he

1 do? He sends a letter that says, I'm not going to dismiss  
2 this. I'm going to fight it.

3 THE COURT: Well, what --

4 MR. GELTZER: If you're familiar with --

5 THE COURT: But what do you think --

6 MR. GELTZER: -- the whole record, then you know  
7 that.

8 THE COURT: But what do you think that means?

9 What do you think that means? He's -- it means that he --  
10 it means that he wants to have the case dismissed with  
11 prejudice, obviously. Right? Isn't -- don't -- didn't you  
12 understand it in that fashion?

13 MR. GELTZER: No, Your Honor, I didn't understand  
14 it in that fashion. It's -- that's not the fashion in which  
15 it was intended at all.

16 THE COURT: But, in other words, you think he  
17 wanted to go to trial, even if you were prepared to dismiss  
18 it with prejudice? You think that?

19 MR. GELTZER: At some point in time, I think  
20 that's exactly it and that was what he wrote on June -- I  
21 can give you the date. But I don't have to because you said  
22 you're familiar with the whole record, so I'm sure you know  
23 the date, of his statement that he's not going to dismiss it  
24 -- not going to agree with it and he's going to fight it.

25 So, is there anything you'd like to hear from me?

1 I mean, I don't know why I'm even here if that's --

2 THE COURT: I guess you can best answer that  
3 question. But, you know, if you're going to -- what I would  
4 suggest is that you guys take a moment and see if you can  
5 work this out. That's what I would suggest. And if you  
6 can't work it out, or don't want to, I'll -- we'll have -- I  
7 have the better part of the day --

8 MR. GELTZER: So do i.

9 THE COURT: -- and I'll listen to you. That would  
10 be my strong --

11 MR. GELTZER: If the Court wants --

12 THE COURT: -- suggestion.

13 MR. GELTZER: -- to dismiss with prejudice, I'm  
14 glad to dismiss it with prejudice. I -- when I got the  
15 documents, sparse though they were, within a matter of days  
16 after it took two, over two years, I submitted a dismissal.  
17 Okay? This could have been an easy case. Okay? It only  
18 was difficult because of Mr. Dahiya.

19 THE COURT: But --

20 MR. GELTZER: The client isn't supposed know those  
21 things.

22 THE COURT: But the thing is --

23 MR. GELTZER: I say, fine. Whatever the Court  
24 would like.

25 THE COURT: Okay. You want --

1 MR. GELTZER: Thank you.

2 THE COURT: Are you going to take a minute?

3 MR. GELTZER: I beg your pardon?

4 THE COURT: Do you want to take a minute to talk  
5 to Mr. Dahiya?

6 MR. GELTZER: Well, if I'm going to dismiss it  
7 with prejudice, what are we going to talk about?

8 THE COURT: All right. Are you prepared to go  
9 along with that, Mr. Dahiya?

10 MR. DAHIYA: That's fine, Judge.

11 THE COURT: Okay.

12 MR. DAHIYA: That's fine, Mr. Geltzer.

13 MR. GELTZER: Thank you very much.

14 MR. DAHIYA: Thank you.

15 THE COURT: Okay. Thank you.

16 THE CLERK: All rise.

17 (Recess - 10:31; Resumed 2:03 by Telephone Conference)

18 THE CLERK: Parties on with the Judge on case of  
19 Geltzer versus Ng.

20 THE COURT: Thank you both for making yourselves  
21 available. I felt that I had cut our hearing off this  
22 morning unduly shortly and that I'm -- in fact, I cut  
23 Mr. Geltzer off as he was trying to speak and for that, I  
24 apologize.

25 But I did not want to bring you -- ask you to come

1 back out in a snow storm. So I arranged this call for which  
2 I'm happy that you were able to make yourselves available.

3 And I felt that while it is -- while it continues  
4 to seem to me that this is not that rare case where  
5 sanctions under Section 1927 are appropriate that there  
6 wasn't enough attention given to Mr. Dahiya's role in this.

7 Mr. Dahiya did fail to appear at least twice and  
8 multiplied the time that the trustee had to spend in Court  
9 and the legal fees that he incurred. There was  
10 noncompliance with court orders, with discovery orders,  
11 whether though that was due to Mr. Dahiya or to his client,  
12 I don't know but in these -- in this type of context,  
13 communication is key and in the context of when you're  
14 running late to get to court, communication is key. And a  
15 lot of this could have been avoided, Mr. Dahiya, by  
16 communicating with the Court and with counsel in a more  
17 appropriate way.

18 If you are unable to provide documents by the  
19 period of time required by the Court, you can --  
20 communication is important. You -- if you reach out to the  
21 Court and to your adversary and explain what you have and  
22 what you're able to produce, it goes a long way to  
23 mitigating the harm that's caused by your behavior.

24 And I cannot let this go by without discussing the  
25 ad hominem attacks that were made on the trustee by

1 Mr. Dahiya in his papers and there really is no place for  
2 that. There is no place for that. It's -- it is -- it's in  
3 contravention of our Court civility rules and it's -- it  
4 doesn't advance your client's cause and it is wholly  
5 inappropriate.

6 MR. DAHIYA: I'm sorry about it, Judge, if I've  
7 come across -- I apologize to Mr. Geltzer also --

8 THE COURT: But --

9 MR. DAHIYA: But I did not mean, in all fairness  
10 and honesty, to have any personal attacks but I felt in the  
11 paperwork submitted by the trustee, Your Honor, there was no  
12 talks about (indiscernible - 2:06:25) obligation of  
13 discharge (indiscernible - 2:06:31) and we're talking about  
14 extraneous issues. I have -- I mentioned what I saw. It  
15 was a pretty strong suggestive impression of good faith but  
16 I think Judge --

17 THE COURT: But --

18 MR. DAHIYA: -- you probably --

19 THE COURT: But you're suggested impressions --

20 MR. DAHIYA: -- you know, (indiscernible -  
21 2:06:49) --

22 THE COURT: Your suggested impressions are not  
23 something you should be putting in writing and filing as an  
24 attack on opposing counsel. If you have some kind of  
25 serious, legitimate grievance against a trustee, then you

1 need to take that up with the United States Trustees Office  
2 and you need to substantiate that with evidence. But  
3 putting ad hominem attacks that are unsubstantiated in Court  
4 papers are completely out of line.

5 MR. DAHIYA: Your Honor, I'm trying to be  
6 (indiscernible - 2:07:39) off Mr. Menkin (ph). He asked me  
7 several times on those lines.

8 THE COURT: Well, I don't -- it doesn't matter  
9 what Mr. Menkin asked you. It -- then you need to respond  
10 to him appropriately.

11 MR. DAHIYA: He -- (indiscernible - 2:07:57)  
12 happened, then (indiscernible - 2:08:00) examination  
13 (indiscernible - 2:08:04) I -- then I saw the trustee's  
14 paperwork and I said, this is an attack on me. And I did  
15 not answer to the main legal matters or legal issues here.  
16 I (indiscernible - 2:08:19) was a motion --

17 THE COURT: I think you're --

18 MR. DAHIYA: -- that was filed (indiscernible -  
19 2:08:24) the case and I wanted it with prejudice and that's  
20 where we got, you know, (indiscernible - 2:08:43) got stuck  
21 there.

22 THE COURT: Well, I'm --

23 MR. DAHIYA: (Indiscernible - 2:08:38) request  
24 for that, this is with prejudice, I'm (indiscernible -  
25 2:08:44) this 1927 motion, Your Honor.

1                   THE COURT: Well, but my point, Mr. Dahiya, is  
2 that number one, I never want to see any ad hominem attacks  
3 in papers from you again, period, end of story.  
4 Particularly not directed against Mr. Geltzer. Is that  
5 understood?

6                   MR. DAHIYA: Yes, Your Honor.

7                   THE COURT: Okay. And I do not want to encounter  
8 any more situations where you keep people, where you stand  
9 people up, you keep people waiting. If you have a problem,  
10 communicate.

11                  MR. DAHIYA: Yes, Your Honor.

12                  THE COURT: Okay. Mr. Geltzer, is there anything  
13 that you would like to put on the record here?

14                  MR. GELTZER: Well, only, Your Honor, that when I  
15 was there Wednesday, you asked me, or you told me, you know,  
16 you should make a record.

17                  THE COURT: Yes.

18                  MR. GELTZER: And I tried to make a record this  
19 morning and I tried to address just your question, which I  
20 was prepared to do it in detail, as I tried to say this  
21 morning, and, with all due respect, Your Honor, you barely  
22 let me finish, you know, one sentence to make that record.  
23 If you didn't want that record, then, you know, why bring me  
24 back? And for the record, I don't care about being awarded  
25 one penny. I don't care about the money at all. But I do

1 care about what Mr. Dahiya and I was going to try to  
2 demonstrate, going through date by date, item by item, that  
3 it was Mr. Dahiya. The Court was quite right. You can't  
4 move to sanction the debtor under 1927. But I wasn't trying  
5 to under 1927 or any other -- I was just, you know, if you  
6 had decided, as you evidently did, and that's certainly your  
7 prerogative to decide it on the papers or before the hearing  
8 or regardless of what somebody says or not, then so be it.  
9 You decided but I don't know why I was brought back and then  
10 I became somewhat of a target this morning and I just wanted  
11 to tell you that. I really was quite concerned and I quite  
12 put off by that and --

13 THE COURT: Well, I'm sorry you feel that way.

14 MR. GELTZER: I accept your apology. Thank you.

15 THE COURT: I'm sorry you feel that way,  
16 Mr. Geltzer, and I certainly did not intend to make you a  
17 target. And I would say that I reviewed the record in  
18 greater detail between the time that we were in Court on  
19 Wednesday and today, and I reached the conclusion that while  
20 there were a lot of mistakes made, by Mr. Dahiya, that the  
21 standard for sanctioning an attorney under section 1927,  
22 which I think is very well described by Mr. -- by Judge  
23 Stalling in her -- in the Kahn (ph) case, it doesn't rise to  
24 that level here.

25 And, you know, I frankly don't -- I don't think

1 it's helpful to be -- I don't think that it is helpful to --  
2 would be helpful to the process for me to write an opinion  
3 about that. I don't think --

4 MR. GELTZER: That's fine, Judge. I certainly --  
5 I'm not going to -- I can't tell you whether to write an  
6 opinion, if you want -- if it's your decision to deny my  
7 motion, then deny it and I can look at it and if I want to  
8 put the thing to rest, that'll be fine. If for some reason  
9 after I read all the cases that I've read and all the  
10 situations that I've gone through, if I want to appeal it, I  
11 will appeal -- so just deny my motion if that's -- you don't  
12 have to write -- I mean, I don't have to tell you. I don't  
13 mean to be presumptuous and say you have to write an  
14 opinion.

15 THE COURT: Well, Mr. Geltzer --

16 MR. GELTZER: But just deny my motion.

17 THE COURT: Mr. Geltzer --

18 MR. GELTZER: And then I can do what I -- whatever  
19 I'll want to do.

20 THE COURT: Okay.

21 MR. GELTZER: But, Your Honor, the point is, you  
22 know -- well, a sanctions motion is not to the one isolated  
23 instance. That's what I was trying to say this morning.  
24 It's not just to the isolated instance that he refused to  
25 accept the dismissal, which if he had called and said with

1 prejudice, I'd said, fine, with prejudice. I don't -- I'm  
2 not going to go after this debtor at this point in time for  
3 whatever reasons. And if I did, I would and I think  
4 everybody knows I would. But -- so I don't care that it's  
5 with prejudice. But once that happened, then the motion for  
6 sanctions looks at the whole course of events, the  
7 confluence of things. How one incident conflates with  
8 another. That's why they call that multiplicity of  
9 hearings. It's not based upon one, it's based upon a  
10 multiplicity. But, certainly, Judge, and, again, I don't  
11 mean to be presumptuous, you don't have to write an opinion.  
12 And I don't think I did anything wrong here the way you --  
13 (indiscernible - 2:14:14)

14 THE COURT: Well, you did miss --

15 MR. GELTZER: If it's wrong, I apologize, kind of  
16 threatened that if you wrote an opinion, that, you know, it  
17 was going to be an opinion against me, I would then -- maybe  
18 denying my motion so, you know, deny the motion, Judge.

19 THE COURT: Well, -- okay.

20 MR. GELTZER: I don't know what else to say to  
21 you. I, you know --

22 THE COURT: Mr. -- let me -- Mr. --

23 MR. GELTZER: -- without antagonizing you further.  
24 It seems like I've antagonized you and if I had, I really  
25 don't know why and I certainly regret (indiscernible -

1 2:14:35)

2 THE COURT: Well, Mr. Geltzer, I'm either going to  
3 write an opinion on this or it's going to be settled.

4 (Pause.)

5 MR. GELTZER: How do I settle it, Judge?

6 THE COURT: By withdrawing it --

7 MR. GELTZER: What do I settle it for? I don't  
8 understand. I really don't understand. I'm not trying to  
9 be difficult. You want me to say to Mr. Dahiya, okay, pay  
10 me, you know, "X" dollars and it will be settled? I'm not  
11 looking for "X" dollars. I'm not looking for any money.  
12 The money doesn't matter to me. It's all the things he did  
13 wrong and I can tell that you don't like if I say this, but,  
14 you know, without some kind of a -- something beyond merely  
15 your castigating him, on a conference, on a record that no  
16 one's going to see, this is going to continue. It'll go out  
17 in the -- you know, (indiscernible - 2:15:30), yeah, he  
18 didn't show up for three or four hearings or eight hearings,  
19 he didn't show up. He came -- you know, he dis "X" "Y" and  
20 "Z" and then (indiscernible - 2:15:39) did nothing. I --  
21 you know, I'll settle it. I'll settle it for a dollar. A  
22 dollar. I'll settle it for a quarter. For only a quarter,  
23 I'll settle it.

24 THE COURT: Well --

25 MR. DAHIYA: Judge, please, can I speak?'

1 THE COURT: Yes, of course.

2 MR. DAHIYA: It was several things that the  
3 trustee did improperly -- the trustee should have sought an  
4 extension of time to object to the discharge. He didn't do  
5 that.

6 Then the complaints for other --

7 MR. GELTZER: Why should I have done that? Why?  
8 Why should I -- I didn't do anything to hold up your  
9 client's discharge and you're complaining about that.

10 MR. DAHIYA: Can I please -- Mr. Geltzer.

11 THE COURT: Go ahead, Mr. Dahiya.

12 MR. DAHIYA: The second thing was the complaint  
13 was not viable under 727(d) and the problem was the  
14 (indiscernible - 2:16:36) 31, the (indiscernible - 2:16:40).  
15 If you look into the (indiscernible - 2:16:42) that's where  
16 he said, look, (indiscernible - 2:16:48). Then you have  
17 under 3(d)(41), something (indiscernible - 2:15:56), the  
18 clerk of the court cannot get into the merits.

19 MR. GELTZER: I'm sorry. I didn't hear you.

20 MR. DAHIYA: The clerk of the court cannot get  
21 into the merits. The (indiscernible - 2:17:11) was filed --

22 MR. GELTZER: I'm sorry. I just don't know -- the  
23 what of the clerk?

24 MR. DAHIYA: The clerk of the court. The clerk.  
25 He cannot (indiscernible - 2:17:18).

1 MR. GELTZER: (Indiscernible - 2:17:20)

2 MR. DAHIYA: -- under 3(d)(41) -- when there has  
3 been extensive discovery because the clerk can never find on  
4 that.

5 THE COURT: Okay. Mr. Dahiya --

6 MR. GELTZER: Another issue, Your Honor, is --

7 THE COURT: Mr. Dahiya --

8 MR. DAHIYA: Yes, Your Honor.

9 THE COURT: Okay. That is -- I don't necessarily  
10 agree with you on that point. But I can understand why you  
11 wanted your client's case to be dismissed with prejudice.  
12 But -- so, you know, I really -- I think that if I were you,  
13 I would not be heading down this path right now. So -- what  
14 -- but this is to me -- in my view and it is my -- it's view  
15 that this is not case for the imposition of the types of  
16 sanctions that were imposed in the Kahn case and, you know,  
17 I will write an opinion explaining why if -- or you can  
18 settle the case.

19 MR. GELTZER: Judge, what is the Kahn case? What  
20 case is that?

21 THE COURT: That's the one -- the case that Judge  
22 Stong -- where Judge Stong sanctioned Mr. Dahiya, which  
23 you --

24 MR. GELTZER: That's Mahiya's (ph) case. I'm  
25 sorry, Judge, I got it. That's Mahiya's case. Yes, Your

1 Honor.

2 THE COURT: Mahiya. Okay. The debtor is --  
3 right. The debtor was Shahara (ph) Kahn.

4 MR. GELTZER: I got it now, Your Honor. I'm  
5 sorry. Sorry about it. I couldn't get that, yes.

6 THE COURT: So I would like you to consider that,  
7 whether -- and if you want to pursue this, I'll let you --  
8 we can do that.

9 (Pause.)

10 THE COURT: If you want to -- if you want to  
11 pursue sanctions, you can -- we can -- you can submit your  
12 motion on the record that's been made already. You can make  
13 another record, a better -- a different record if you want  
14 to but I think it would be better if you could work out a  
15 settlement of this. Because I don't think that it's going  
16 to be helpful to write -- for me to -- for there to be an  
17 opinion discussing the limitations of the -- of this -- of  
18 the scope of section 1927 in this kind of context.

19 MR. GELTZER: Judge, would you opine as to what  
20 you mean about a settlement? I'll -- I'm willing to listen.  
21 I'm willing to listen. I made it clear. I'm not looking  
22 for money. I -- that's not -- that wasn't my objective in  
23 bringing the motion.

24 THE COURT: Well, maybe if Mr. Dahiya were willing  
25 to commit that -- to refrain from personal attacks, that

1 would be a starting point.

2 MR. GELTZER: If that would be -- if there could  
3 be some kind of written stipulation to that effect that we  
4 filed in court, I would certainly consider that. Of course,  
5 depending upon the breadth of it and the writing of it.  
6 That's what important to me. That's what's important to me.

7 MR. DAHIYA: (Indiscernible - 2:21:30) important  
8 to him to --

9 MR. GELTZER: That's what's important to me.

10 MR. DAHIYA: (Indiscernible - 2:21:32)

11 MR. GELTZER: Some kind of official inducement for  
12 him to stop this kind of conduct, not only against me, but  
13 against other trustees and, Judge, I'm sorry you don't like  
14 hear it, but it comes from the bottom of my heart, I think  
15 this is a major affront. I think he's a major affront on  
16 the integrity of the bankruptcy system and on the Court.  
17 And not up to you, of course, but I seen this in many cases.  
18 I see it in 341 meetings.

19 THE COURT: Okay. But -- so --

20 MR. GELTZER: Somewhere in -- this needs to be  
21 stopped or at least moderated, somehow.

22 THE COURT: See, what both of you are --

23 MR. GELTZER: And if there's a settlement,  
24 (indiscernible - 2:22:13), Mr. Dahiya, you know, would agree  
25 to something like that, that's fine.

1 THE COURT: Okay. What seems to be --

2 MR. GELTZER: I would have refunded the money to  
3 the debtor for all I care. But then (indiscernible -  
4 2:22:23) \$1,000 was making \$10,000 a year while another  
5 debtor, when we had that same day, was (indiscernible -  
6 2:22:31). We did the 341 meeting and it was (indiscernible  
7 - 2:22:35) making \$40,000 a year, Mr. Dahiya (indiscernible  
8 - 2:22:40) charged fifteen hundred dollars and then  
9 Mr. Dahiya had the audacity to say that I destroyed on the  
10 basis that the person was a minority.

11 THE COURT: Okay. All right. Mr. Geltzer, what  
12 both of you are doing here, and Mr. Dahiya, what both of you  
13 are doing are bringing into this dispute, things that have  
14 occurred, into this case, things that have occurred in other  
15 cases and in other situations. When, and I -- I see that it  
16 colors your view of this case, and your view of each other.  
17 But it is -- it's really not something that I'm going to be  
18 able to address or that would be appropriately addressed in  
19 the context of this case.

20 MR. GELTZER: In this case, he charged this  
21 debtor, this \$4,000, in this case, for a man who's earning  
22 \$10,000, which could have been -- it could have been a  
23 simple no hassle case, Judge. Closed by me early on, if I  
24 got the documents. But, you know, Mr. Dahiya didn't provide  
25 the documents. He -- he was never in his office and then he

1 said he had a computer virus. Well, he had a month before  
2 the computer virus allegedly hit and during the period that  
3 the computer virus hit, he filed, what is it, another --  
4 three or four other pleadings in cases, during that same  
5 period.

6 MR. DAHIYA: I did have a computer virus.

7 MR. GELTZER: (Indiscernible - 24:08).

8 MR. DAHIYA: (Indiscernible - 2:24:09) hearing and  
9 when I hearing and the entire case (indiscernible -  
10 2:24:13), I have a little laptop. (Indiscernible - 2:24:16)  
11 this case, there were other documents and paperwork in this  
12 case, (indiscernible 2:24:23) new computer. And I stuck it  
13 down and I have produce evidence to that effect, Your Honor.  
14 This was not done.

15 THE COURT: Mr. Dahiya --

16 MR. DAHIYA: Yes.

17 THE COURT: -- I think that it in -- that an  
18 honest assessment of this case would be that you -- your  
19 performance has not been stellar. There were -- in addition  
20 to whatever delays that may have been occasioned by a  
21 computer virus or whatever, there have been instances of  
22 your simply not responding to discovery requests or orders  
23 in a timely fashion, for which there really can be no  
24 excuse.

25 MR. DAHIYA: I (indiscernible - 2:25:07) to that,

1 Your Honor. (Indiscernible - 2:25:08) you know, the debtor  
2 can personally come to the Court to testify (indiscernible -  
3 2:25:14) how he speaks. It is difficult to get -- it is  
4 difficult to get all the information at once. We had the  
5 paperwork here, then -- and we tried to collect it and I  
6 kept harassing him, bring it -- go up to the school and get  
7 it. In fact, the debtor personally went to get the boxes to  
8 come to the office. They gave the box to him. Other  
9 paperwork that was given to him (indiscernible -- 2:25:40).  
10 I have nothing to fight with Mr. Geltzer about.

11 THE COURT: Okay. Well, I understand that you may  
12 have had difficulties in getting clients -- documents from  
13 your client; that your client may not have had a number of  
14 the document; that they had to go to the bank for some of  
15 them, et cetera. But that doesn't mean that you can ignore  
16 deadlines or court orders or dates in deposition notices or  
17 anything of that nature. And, again, communication is key.  
18 If you're having a problem --

19 MR. GELTZER: Judge, if I may --

20 MR. DAHIYA: (Indiscernible - 2:26:17)

21 MR. GELTZER: -- he should haven't the box of  
22 those documents for about a month in his office. He --

23 MR. DAHIYA: That box was given to me about --  
24 (indiscernible 2:26:27) which he had, we gave it to you  
25 (indiscernible 2:26:29) not (indiscernible - 2:26:30) to the

1 Court to testify, Your Honor. I gave him -- the only thing  
2 I see, Your Honor, respectfully, was that (indiscernible -  
3 2:26:39) the hearing and I (indiscernible - 2:26:42)  
4 calendar. I was given the 30th and I did check the ECF on  
5 the court website and I (indiscernible - 2:26:49) listed  
6 there. The other time I was late, Your Honor, was that  
7 Mr. (indiscernible 2:26:55) was seeking a criminal  
8 indictment against the debtor in English. Because if the  
9 case was before (indiscernible - 2:27:01) website and I  
10 thought I could finish that and be in your Court in time.

11 THE COURT: Well, you can make a phone call and  
12 then maybe Mr. Geltzer doesn't have to come and sit for two  
13 hours or Mr. Geltzer's associate.

14 MR. DAHIYA: (Indiscernible - 2:27:17). I cannot  
15 speak to Mr. Geltzer at times because he gets me upset.  
16 Because (indiscernible - 2:27:34), Your Honor.

17 THE COURT: Okay.

18 MR. DAHIYA: I'm not saying it just because I have  
19 to look for an excuse or something. I -- why would I want  
20 to come before the Court (indiscernible - 2:27:42). This is  
21 (indiscernible - 2:27:47) because the problem with this case  
22 was, Your Honor, (indiscernible - 2:27:53) 727(b). It was a  
23 difference of opinion. (Indiscernible - 2:28:00) for the  
24 Court, he should have taken Court's consent. He can't just  
25 have the power of the United States like this.

1 THE COURT: Okay. I am not --

2 MR. DAHIYA: (Indiscernible - 2:28:09)

3 THE COURT: -- understanding what --

4 MR. GELZER: (Indiscernible - 2:28:1) Dahiya's  
5 absolutely incoherent remarks.

6 THE COURT: I can't --

7 MR. GELTZER: And you want to know if I would  
8 settle it. I'd be glad to settle it.

9 THE COURT: I can't --

10 MR. GELTZER: I'd like a dollar. I'd like an  
11 apology. I'd like a representation from Mr. Dahiya that he  
12 will comply with all Court orders, the Code, the Rules, the  
13 disciplinary rules, the rules of civility. No more ad  
14 hominem attacks against me or anybody else and refund the  
15 debtor the \$4,000.

16 THE COURT: Well --

17 MR. GELTZER: I'd be fine with that.

18 THE COURT: -- you know, Mr. Geltzer, that's not  
19 up to you to decide whether Mr. Dahiya should refund \$4,000.

20 MR. GELTZER: No, I'm saying, as part of a  
21 settlement. It's part of a settlement.

22 MR. DAHIYA: I live from dollar to dollar, Your  
23 Honor. I'm a very poor man's lawyer.

24 THE COURT: Okay, I --

25 MR. DAHIYA: I spend a lot of money to get to

1 here. This is so unfair.

2 THE COURT: Okay.

3 MR. DAHIYA: I --

4 THE COURT: Mr. Dahiya --

5 MR. DAHIYA: -- am not a rich man.

6 THE COURT: I can't hear you.

7 MR. DAHIYA: I'm not a rich man, Your Honor. I  
8 live from dollar to dollar.

9 THE COURT: Okay.

10 MR. DAHIYA: It's each dollar is important to  
11 (indiscernible - 2:29:04).

12 THE COURT: Okay.

13 MR. DAHIYA: It is so unfair. Why would -- I  
14 mean, --

15 THE COURT: Okay, Mr. Dahiya. You're going to  
16 have to calm down because I can't understand what you're  
17 saying. Okay. But I understand that you don't want to give  
18 the money back. That much I --

19 MR. DAHIYA: I have been working --

20 THE COURT: -- picked up.

21 MR. DAHIYA: -- for months on this case, Your  
22 Honor. I did my research on the 41, Rule 66, Federal Rules  
23 of Civil Procedure. I did extensive research into the laws.  
24 I worked a lot with the --

25 THE COURT: Okay.

1                   MR. DAHIYA: -- sister of the debtor and it's just  
2 not fair that I go to his office and I would get treated and  
3 he tells me to refund the money. He is trying to gain a  
4 (indiscernible - 2:29:42) out of this. I know what is  
5 happening here.

6                   THE COURT: Okay.

7                   MR. DAHIYA: The Court can see what is happening  
8 here, Your Honor.

9                   THE COURT: All right. Mr. Dahiya, Mr. Dahiya --

10                  MR. DAHIYA: Yes, Your Honor.

11                  THE COURT: Calm down. Calm down. Calm down,  
12 please. Are you calm now?

13                  MR. DAHIYA: Yes, Your Honor.

14                  THE COURT: Okay. I think that -- I think one way  
15 to resolve this would be for you to undertake that you will  
16 not engage in any further ad hominem attacks against  
17 Mr. Geltzer. If you --

18                  MR. DAHIYA: I have --

19                  THE COURT: -- if you have a --

20                  MR. DAHIYA: That's fine, Your Honor.

21                  THE COURT: If you have a grievance against  
22 Mr. Geltzer, there are ways that you can redress that,  
23 through the United States Trustee's Office and you have to  
24 substantiate what you are saying with evidence. But in  
25 terms of putting ad hominem attacks in court papers, they

1 have no place there and I think that you -- that it would be  
2 appropriate for you to commit that you will desist -- cease  
3 and desist from that practice.

4 MR. DAHIYA: Your Honor, when I see something,  
5 what happens then? When I see something, I can substantiate  
6 it, where does it go then? What happens when I have a case  
7 under Civil Rights Act (indiscernible - 2:31:06) what is  
8 happening there with the trustees. How does this go and  
9 what's against the (indiscernible - 2:31:11). I saw the  
10 difference between David Turner and Man Kit. My client's  
11 should have --

12 THE COURT: But what do you think you accomplish  
13 by doing that? Do -- it --

14 MR. DAHIYA: I --

15 THE COURT: -- it doesn't advance your client's  
16 interests at all.

17 MR. DAHIYA: It does not. But --

18 THE COURT: It does not -- it doesn't advance your  
19 credibility at all. It is, as you say, subjective and  
20 unsubstantiated. It's -- and I don't think it has any place  
21 in proceedings, in pleadings in this Court.

22 MR. DAHIYA: The only thing the way other than  
23 (indiscernible - 2:31:45) how he treats the minority debtor  
24 and how he treats the (indiscernible - 2:31:55) debtors.  
25 It's very clear, Judge. I'm not a --

1                   THE COURT: Okay. All right. Mr. -- all right.  
2                   Mr. Dahiya, what do you expect? Do you expect me to believe  
3                   this? Do -- and you are, again, these are ad hominem  
4                   attacks. They are not substantiated. If you had some kind  
5                   of serious concern that you were backing up with evidence,  
6                   you would go to the United States Trustee. But telling me  
7                   and in this --

8                   MR. DAHIYA: Your Honor --

9                   THE COURT: -- unsubstantiated --

10                  MR. DAHIYA: -- respectfully, you --

11                  THE COURT: -- way accomplishes nothing. And it  
12                  undermines your credibility, quite frankly.

13                  MR. DAHIYA: Your Honor, respectfully, you are the  
14                  master of the Court. You (indiscernible - 2:32:33) totally  
15                  irreceptive, Your Honor. We have -- I have -- I requested  
16                  them. I've approached them. But they're powerless. And  
17                  I --

18                  THE COURT: Well, they may -- they are the -- I --  
19                  talking to me does nothing. And putting allegations like  
20                  that in court papers does only harm to you and your clients.  
21                  It is not -- the United States Trustee's Office has  
22                  authority over trustees. The Court does not.

23                  MR. DAHIYA: I'm going, Your Honor, look into  
24                  (indiscernible 2:33:10) because I wrote what I feel and I  
25                  saw and (indiscernible - 2:33:14) clients --

1           THE COURT: Because you feel something does not  
2 mean that it's justified for you to put it in court papers.  
3 Because you feel something or believe something or -- does  
4 not justify you putting it in court papers.

5           MR. DAHIYA: I understand, Your Honor. But then  
6 the other part, I mean, how Mr. Geltzer brings these ad  
7 hominem (indiscernible - 2:23:43) proceedings is  
8 9indiscernible - 2:33:46) reality of what really has  
9 happened before Judge Stong, before Judge Stong. The  
10 decision of Judge Stong is a default decision without  
11 (indiscernible - 2:33:56).

12           THE COURT: Okay, well, Mr. -- All right.

13           Mr. Dayiha --

14           MR. DAHIYA: Yes, Your Honor.

15           THE COURT: This decision is of record --

16           MR. DAHIYA: Okay.

17           THE COURT: -- and it is was it is.

18           MR. DAHIYA: Okay, Your Honor.

19           THE COURT: It is what it is. It's not -- there's  
20 not -- nobody's looking behind that and unfortunately for  
21 you, you've got this decision on file and it's there.

22           MR. DAHIYA: Yes. We're sorry about it but then I  
23 wanted to tell you what really happened there.

24           THE COURT: I don't even want it -- I don't want  
25 to go into that. I don't -- I don't care because I am going

1 by what Judge Stong said. And I'm not applying that here.  
2 I don't know why you're even talking about that.

3 MR. DAHIYA: Because they keep using it and  
4 (indiscernible - 2:34:40) and I wanted to --

5 THE COURT: Well, they're going to and that's  
6 unfortunate for you but that's the situation you're in and  
7 I'm not going to listen to what your story about what went  
8 on behind that because I am -- as far as I am concerned, the  
9 only thing that exists is what's written by Judge Stong.

10 MR. DAHIYA: Yes, Your Honor.

11 MR. GELTZER: And, Mr. Dahiya, it's also what  
12 Judge Irizai (ph) said about you.

13 MR. DAHIYA: That's what I'm talking about.  
14 (Indiscernible - 2:35:02)

15 MR. GELTZER: It's also a question of your  
16 competency as an authority.

17 THE COURT: Okay. That's it. That's it,  
18 Mr. Geltzer. Can we cease and desist the ad hominem attacks  
19 on both sides, please? Okay, Mr. Dahiya --

20 MR. GELTZER: I've not made any ad hominem  
21 attacks.

22 THE COURT: -- I really think.

23 MR. GELTZER: I was quoting Judge Irizai.

24 THE COURT: Okay. Well you said -- all right.

25 It's not helpful. All right. But Mr. Dahiya, I don't want

1 to see any more of these ad hominem attacks and I would --  
2 and I think it is incumbent upon you to make that  
3 commitment.

4 MR. DAHIYA: Yes, Your Honor. I do.

5 THE COURT: And in terms of -- and I think that it  
6 is incumbent upon you to commit to comply with court orders  
7 and court rules.

8 MR. DAHIYA: I do, Your Honor. Respectfully, I  
9 really do. And If I miscalendared, if I'm -- you know, I  
10 have (indiscernible - 2:37:07) respect for the Court, Your  
11 Honor. I mean, it's -- I don't know why I'm coming across  
12 as someone who is running afoul, but I don't take law in my  
13 hands. I'm a hard stickler of the law. I have respect for  
14 the Court. But (indiscernible - 2:36:23) trustee can  
15 (indiscernible - 2:36:24) legal requirement, that's right.

16 THE COURT: All right. Well --

17 MR. DAHIYA: (Indiscernible - 2:36:29)

18 THE COURT: -- in terms of the question or whether  
19 it is -- whether the trustee had the authority to dismiss  
20 the case under Rule 41, that is -- I suppose that is one  
21 question that could be addressed here. But that seems to me  
22 to be -- it seems to me to be a diversion of our attention  
23 here. The trustee has no objection to dismissing this case  
24 with prejudice as he said. But I think that you owe him an  
25 apology and you ought -- you need to make a written

1 commitment to him that you will not attack him personally in  
2 court papers, again.

3 MR. DAHIYA: Okay. I'll send him -- I'll send  
4 something to him, Your Honor, along those lines as you just  
5 described. I will do that, Your Honor.

6 THE COURT: In terms -- and --

7 MR. DAHIYA: And I'll expect the same thing from  
8 him.

9 THE COURT: Okay.

10 MR. DAHIYA: But (indiscernible - 2:37:24) attack  
11 me. He does, even in the paperwork, I see that, Your Honor.  
12 It's both sides. Now one side is we are as strong, as  
13 strong and powerful as are the trustee in matters of law and  
14 in the Court, as you said, Your Honor, you see us as equal.

15 THE COURT: Okay. Mr. Dahiya, I actually -- I  
16 would not say that I have seen what I would consider to be  
17 unsubstantiated ad hominem attacks by Mr. Geltzer against  
18 you in the context of this case.

19 MR. DAHIYA: Your Honor, he's twisting the facts  
20 here. You see, I can point it out to the Court. I'm --  
21 I've seen that. (Indiscernible - 2:38:13) Court, he said,  
22 look at the way he's dressed, because I was not wearing a  
23 tie. I mean, I (indiscernible - 2:38:20) Your Honor. I'm  
24 just, you know --

25 MR. GELTZER: You know, you're not truthful.

1 Mr. (indiscernible - 2:38:26) you not only weren't wearing a  
2 tie, you were wearing jeans when you came to Court. That's  
3 not very respectful of the Court.

4 MR. DAHIYA: (Indiscernible - 2:38:32)

5 THE COURT: Okay. Well, you know what,  
6 Mr. Geltzer, if it's -- if I'm not concerned about it, it's  
7 not really -- it shouldn't really be your concern, I don't  
8 think.

9 MR. GELTZER: Well --

10 THE COURT: That seems to me to be getting -- to  
11 be inappropriate point for you to be raising. We don't know  
12 -- I don't know why Mr. Dahiya was dressed as he was and, at  
13 this point, I don't really care. But it's really not your  
14 concern, as far as I -- as far as -- in my view.

15 MR. GELTZER: I appreciate that, Judge, I just  
16 pointed it out as an officer of the Court.

17 THE COURT: Well, you know, I have eyes, too. So  
18 I don't need you to point out to me what Mr. Dahiya's  
19 wearing.

20 (Pause.)

21 MR. GELTZER: Your Honor, I --

22 THE COURT: Let's see if we can make some  
23 progress here towards resolving this and getting everybody  
24 on a better footing.

25 (Pause.)

1 MR. DAYIYA: (Indiscernible - 2:39:36).

2 THE COURT: And Mr. Geltzer I am not inclined to  
3 inquire into the fees that were paid in this case. It's --  
4 I can see - I know that -- the thing that I have seen from  
5 the record here is that there was a lot of work that  
6 Mr. Dahiya had to do to get -- to gather the documents for  
7 his client and, you know, I don't know -- I just don't --  
8 this does not strike me as a case where that's appropriate  
9 either.

10 MR. GELTZER: Okay, I would leave that out then of  
11 what I would put into a stipulation of settlement with the  
12 other things that I said. I'll leave that out. I was just  
13 trying to be -- I was just trying to do what I thought was  
14 fair. But, that's fine. I can leave it out. I have no  
15 problem with that, Judge. It's neither money in my pocket  
16 or out of my pocket.

17 MR. DAHIYA: You -- Your Honor, (indiscernible -  
18 2:40:33) stipulation between the trustee and myself about  
19 that, there will not be ad hominem attacks from both sides.  
20 Any we will abide the civility and no attacks, nothing on  
21 either side.

22 THE COURT: I think that's -- that sounds  
23 appropriate to me and I would not -- I do not think,  
24 Mr. Geltzer, that the type of settlement stipulation, if  
25 there were to be one, in this case, should involve bringing

1       in other cases or other trustees. This is between the two  
2       of you, in my opinion, right here and now.

3                    MR. DAHIYA: Your Honor, respectfully, you said it  
4       right. It is this case, not what is happening. The trustee  
5       is ganging up (indiscernible - 2:21:26) they want to use it  
6       in their 9indiscernible 2- 2:41:28) sector because there is  
7       a fight going on about the issue that 1927, whether, to what  
8       extent 9indiscernible - 2:41:37) his clients. I mean, the  
9       other part is, the (indiscernible - 2:41:41) bankruptcy,  
10      Your Honor, a lot of these attorneys do not conference with  
11      the trustees, (indiscernible - 2:41:47) right because two  
12      reasons; one, they don't (indiscernible - 2:41:51) the  
13      trustee. Second one, they're going to have to keep seeing  
14      the trustee. Third one, the debtors don't have money for  
15      that. I am something (indiscernible - 2:42:01) I fight for  
16      the clients. I fight for the law. He has to comport  
17      himself with the law, Your Honor. That's all that I've been  
18      saying. There are no shortcuts. If there are no shortcuts,  
19      (indiscernible - 2:42:13) similarly, there are no shortcuts  
20      on the trustee, which again, there should not be. And  
21      (indiscernible - 2:42:20) --

22                  THE COURT: What --

23                  MR. DAHIYA: I'm calling the U.S. Trustee's Office  
24      about having the 341 meeting with the trustee because he  
25      won't -- (indiscernible - 2:42:28). And I spoke to the U.S.

1 Trustee, I said, there was no time. He was after me.

2 THE COURT: So --

3 MR. DAHIYA: That's what happens 9indiscernible -  
4 2:42:43).

5 THE COURT: You're losing me, now, Mr. Dahiya.  
6 What your point is I -- the point of it.

7 MR. DAHIYA: I mean, I'm talking about how the 341  
8 meetings took place, how I filed a letter --

9 THE COURT: Okay. But why do we care about --  
10 they're -- well, you started out by telling me about what  
11 the trustees are doing as a group. Again, this isn't a  
12 concern -- if you have one, you can bring with the United  
13 States Trustees Office or you can raise it in a particular  
14 case with respect to a particular trustee. But I am not  
15 addressing here --

16 MR. DAHIYA: Your Honor --

17 THE COURT: -- in here --

18 MR. DAHIYA: -- respectfully, if I bring a motion  
19 (indiscernible - 2:43:19) for the Court, for the  
20 jurisdiction of the trustee, I think you do have  
21 jurisdiction. But the consequences are (indiscernible -  
22 2:43:27) for the trustee. He gets removed from all the  
23 cases. And it's not a good thing. But under, you know, 58  
24 CFR, whatever the section is, it is a long winded process.  
25 I spoke to the U.S. Trustee's Office. They said it was a

1       very difficult process to remove a trustee from  
2       (indiscernible - 2:43:43).

3           THE COURT: But you're not --

4           MR. DAHIYA: But if you have --

5           THE COURT: -- but Mr. Dahiya, we're not talking  
6       about -- we're talking about resolving this case.

7           MR. DAHIYA: No, with this case, yes. I  
8       (indiscernible - 2:43:52).

9           THE COURT: If you have the idea that you're going  
10      to be at war --

11          MR. DAHIYA: I promise, Your Honor, as  
12       (indiscernible - 2:43:59) with this Court, as an officer, I  
13       give you my word, Your Honor, no ad hominem attacks against  
14       anyone.

15          THE COURT: Okay.

16          MR. DAHIYA: I mean, Mr. Geltzer should say the  
17       same thing that he will not personally attack me  
18       (indiscernible - 2:44:11) or anything. I mean, his  
19       expressions, in writings, always have a (indiscernible -  
20      2:44:20). I mean, he cannot (indiscernible - 2:44:23)  
21       lawyers. He, you know, I would start (indiscernible -  
22      2:44:30), Your Honor, today. This day, Your Honor, as an  
23       officer of your Court, I promise to uphold the  
24       (indiscernible - 2:44:39) law and conduct myself properly,  
25       as an officer of the court. No more ad hominems.

1 THE COURT: Okay.

2 MR. DAHIYA: I do.

3 THE COURT: And in exchange for that, Mr. Geltzer,  
4 that type of written -- that type of commitment on the  
5 record here, are you prepared to dismiss this case with  
6 prejudice.

7 MR. GELTZER: Not just on the record. I want a  
8 writing to that effect, Judge. And then I'd be prepared,  
9 you know, if that writing is acceptable to me, obviously, to  
10 the Court, then I would be prepared, as I said, as I said  
11 quite awhile ago, I'd be prepared to dismiss the case with  
12 prejudice. And that's for the Court, you know -- one of the  
13 hearings was leading us and that was fine. And once I got  
14 the documents, I saw, and I was ready to dismiss the case.  
15 But I'll want it, in writing, as a stipulation and I will  
16 absolutely dismiss it. I'll dismiss the case with prejudice  
17 regardless of that. I just want a stipulation in terms of  
18 -- if you want me to withdraw the motion. I will do that as  
19 a stipulation to withdraw the motion. I'm not going to  
20 prejudice the debtor because of that and, you know, I won't  
21 address -- you permit Mr. Dahiya, Judge, to ramble on and on  
22 about somethings I don't even know what he's talking about,  
23 but when I try to respond to that, you cut me off.

24 THE COURT: Well, I --

25 MR. GELTZER: I mean --

1                   THE COURT: I'm prepared to give you your  
2 opportunity to respond. I was just letting Mr. Dahiya  
3 finish.

4                   MR. GELTZER: Thank you. Okay. This thing  
5 started from the get-go, first thing Mr. Dahiya did was to  
6 try to do trustee shopping and Alisha Ladd (ph) you know,  
7 worked with him. On November 19th, she said, quote, your  
8 actions prejudice your client's interests and impugn the  
9 integrity of the bankruptcy system, period, end quote.

10                  He started with trustee shopping. And maybe the  
11 reason that so many trustees are adverse to Mr. Dahiya is  
12 because some of the things he says are just attacks on the  
13 trustees. One or more. The -- that impugns the integrity  
14 of the system. (Indiscernible - 2:46:58) ninety-five  
15 percent of these cases, as you know, Judge, they're not  
16 asset cases. But as soon as you ask for documents, they,  
17 you know, Mr. Dahiya takes (indiscernible - 2:47:07), yeah,  
18 he files the papers. He doesn't file them properly. He  
19 doesn't put in pay stubs right away in this case. And it  
20 goes on and on like that.

21                  And, you know, he's upset that Judge Stong  
22 sanctioned him I think \$15,000, Judge Irizai calls him  
23 incompetent. He's upset. That's because of the papers he  
24 puts in. It makes no sense. Am I right? I've been doing  
25 this for 22-23 years. There have been complaints against me

1 but nobody, nobody has ever said I discriminated against  
2 anybody on the basis of sex, or religion or race or ethnic  
3 group or sexual orientation or any other reason. I treat  
4 everybody fairly, everybody the same. It's just that when  
5 some lawyers, Mr. Dahiya being one of them, are called upon  
6 or are called into question about what they did or what they  
7 didn't do, then it becomes an attack.

8 I mean, if he said these things outside of  
9 pleadings, you rest assured I'd sue him for defamation. And  
10 he'd lose. This is just absurd. But, yes, I'm trying to be  
11 accommodating to the Court as I possibly can. I'm willing  
12 to withdraw the motion. I'm willing to stipulate to it.  
13 I'm not making the stipulation contingent upon filing the  
14 dismissal with prejudice. But I want it all to be in  
15 writing.

16 And, as far as the stipulation, as far as the  
17 notice of the dismissal that I put in, I served it on  
18 Mr. Dahiya. I serve it on the United States Trustee. I  
19 filled it with the Court and the Court, in that situation  
20 was always -- I don't have to say this, but -- I don't mean  
21 to be presumptuous, was always entitled to change that and  
22 put it with prejudice instead of without prejudice. That's  
23 why it's filed with the Court. But, I say again, if he had  
24 just called up and said I want it with prejudice, I'd have  
25 said, fine. But Judge he said, no, I'm not going to dismiss

1       this case. I want to fight it. It was after the fact. It  
2       was after the fact that he said, I want it with prejudice.  
3       It wasn't before that, Judge.

4                  You know, I still believe in my heart of hearts,  
5       in my best legal judgment, that this is sanctionable. The  
6       Court obviously disagrees. But -- and I would rather not --  
7       I would rather not put the Court to the trouble of writing  
8       an opinion. And I would rather not appeal it. And I'm  
9       willing to follow the Court's suggestion in getting this  
10      settled. But just putting it on the record here, that  
11      doesn't suffice, Judge.

12                 THE COURT: All right. Well, Mr. Geltzer, if you  
13      -- it's no trouble for me to write an opinion. I love  
14      writing opinions. I do -- I'm working on one right now. I  
15      live for this. So it's no problem at all. And as far as  
16      appealing it, you can go right ahead but, as I pointed out,  
17      the exercise of sanctioning a -- the exercise of sanctions  
18      under Section 1927 is highly discretionary. So you would  
19      have to show that I had abused my discretion by not  
20      sanctioning, which I think is going to be a very heavy,  
21      heavy lift. So if you want to -- if you want me to write an  
22      opinion, I will.

23                 MR. GELTZER: I --

24                 THE COURT: You don't need to accommodate me.

25                 MR. GELZTER: I really -- I really don't want you

1 to write an opinion. I don't want to -- (indiscernible  
2 2:51:01) at me in an opinion frankly at this time, and I  
3 think you can hear me, I'm repeating myself, I'm more than  
4 willing to stipulate to withdraw. I just want that  
5 stipulation to be in writing. That's all, along the lines  
6 that you said, Judge. Along the lines that Mr. Dahiya seems  
7 to have agreed. So it shouldn't be a problem --

8 THE COURT: All right.

9 MR. GELTZER: -- to reduce it to a writing.

10 THE COURT: Okay.

11 MR. GELTZER: But --

12 MR. DAHIYA: I will enter into a mutual agreement  
13 with mutual respect, we will mutually refrain from ad  
14 hominem. I will do that. Your Honor, I will do it. And  
15 in case (indiscernible - 2:41:45), I think I would like to  
16 bring to the Court's attention before I file any paperwork  
17 (indiscernible - 2:41:50) trustees.

18 MR. GELTZER: I missed that. What is that new  
19 point now?

20 MR. DAHIYA: There's no new point. It is just  
21 that I would like to choose whether I should file the  
22 paperwork with the Court or I should involve the U.S.  
23 Trustee's Office. Or (indiscernible - 2:52:07) the U.S.  
24 Trustee to do something. But, Your Honor, respectfully I  
25 think I would (indiscernible - 2:52:21) my writings and

1 (indiscernible - 2:52:22) seem that also that there is a  
2 dramatic improvement in my writing style. I've been working  
3 hard on that. And I do not want to be (indiscernible -  
4 2:52:40) Your Honor, (indiscernible - 2:52:41) has nothing  
5 to do with this. I follow the law. I'm asking him to  
6 follow the law. That's -- there's nothing else that I want  
7 -- there's nothing else, Your Honor.

8 MR. GELTZER: I say -- I mean, I follow the law.  
9 I have to say you cite laws that are germane to the matter  
10 that's at hand, number one. And you never, if you  
11 (indiscernible - 2:53:05) a document that I have never said  
12 anything to you, it doesn't comply with the law.

13 Just because you say it, doesn't make it so,  
14 Mr. Dahiya. And that's what your belief is. You think  
15 (indiscernible - 2:53:16) --

16 MR. DAHIYA: Your Honor, the (indiscernible -  
17 2:53:18).

18 MR. GELTZER: Let me finish, now.

19 MR. DAHIYA: The fact is there (indiscernible -  
20 2:53:21) in this case, one, you as the trustee --

21 MR. GELTZER: (Indiscernible - 2:53:25).

22 MR. DAHIYA: (Indiscernible - 2:53:27) seek an  
23 extension, either directed to seek an extension to object to  
24 discharge, and 727 was basically a way around what he should  
25 have done prior to that. Okay. The business of without

1 prejudice, after extensive, extensive merit hearing by this  
2 Court and this Court was very kind, Your Honor, this case  
3 was dismissable to start with. You, Your Honor, didn't  
4 (indiscernible 2:43:53) didn't have any grounds to stand on  
5 decided to start pleading the case.

6 MR. GELTZER: He once made a motion to  
7 (indiscernible - 2:43:04) time to object to discharge. You  
8 opposed that. Why should you be complaining that I didn't  
9 do anything at all to hold up your client's discharge  
10 because I didn't want to burden the Court with your tactics  
11 because of your tactics and your infrivolities.

12 MR. DAHIYA: It is not about me (indiscernible -  
13 2:54:23).

14 MR. GELTZER: (Indiscernible - 2:54:25) --

15 THE COURT: Okay.

16 MR. GELTZER: (Indiscernible - 2:54:28).

17 THE COURT: All right.

18 MR. GELTZER: (Indiscernible - 2:54:29).

19 THE COURT: All right. I think this --

20 MR. GELTZER: -- because of that nonsense.

21 THE COURT: Okay. This isn't helpful, I don't  
22 think.

23 MR. GELTZER: I don't either but I don't know what  
24 to say. I don't understand what the problem is to be,  
25 Judge. I -- you know, I -- it's kind of frustrating on this

1 end.

2 THE COURT: Okay. I -- Mr. Dahiya, I think what  
3 is incumbent upon you to do, in exchange for Mr. Geltzer's  
4 withdrawal of his motion, is for you to agree that you will  
5 refrain from any future ad hominem attacks against  
6 Mr. Geltzer.

7 MR. DAHIYA: That's fine, Your Honor.

8 THE COURT: Mr. Geltzer, does that -- will that  
9 satisfy you?

10 MR. DAHIYA: I would say then (indiscernible -  
11 2:55:20) agreement together.

12 THE COURT: I didn't -- what did you just say?

13 MR. DAHIYA: (Indiscernible - 2:55:27) Your Honor.

14 MR. GELTZER: And I think, Judge, you also pointed  
15 out that you wanted a statement from him, and I made notes  
16 here, that he would comply with court orders and laws.

17 THE COURT: I think that's an appropriate  
18 commitment to make as well. And that's -- I think that a  
19 simple commitment that you will, number one, I agree to  
20 refrain from any ad hominem attacks against Mr. Geltzer in  
21 court papers. Number two: I agree to comply with court  
22 orders and rules. That's it. Number three: the trustee  
23 agrees to withdraw his sanctions motion. That would -- that  
24 could be your stipulation. Right there.

25 MR. DAHIYA: The trustee should also say that ad

1       hominem (indiscernible - 2:56:24) he should also say that  
2       the parties will not -- the trustee acted improperly in this  
3       case, Your Honor.

4                    MR. GELTZER: What did he say?

5                    THE COURT: I think his view is that you have --  
6       that you should make a similar commitment not to engage in  
7       an ad hominem attack against him.

8                    MR. GELTZER: I'm sorry, Judge. I'm not going to  
9       agree to that because that's assumes that I did so and I  
10      have not.

11                  MR. DAHIYA: (Indiscernible - 2:56:54).

12                  MR. GELTZER: (Indiscernible - 2:56:55) There's  
13      nothing in the record in this case or these other cases,  
14      where I made any attacks on him whatsoever.

15                  MR. DAHIYA: (Indiscernible 2:57:06) trustee, it's  
16      a very deep (indiscernible - 2:57:23).

17                  MR. GELTZER: (Indiscernible - 2:57:24).

18                  THE COURT: I think --

19                  MR. DAHIYA: (Indiscernible - 2:57:25) discussion  
20      about it.

21                  THE COURT: I think you're -- I think you're  
22      reading too much into it, Mr. Dahiya. And --

23                  MR. DAHIYA: (Indiscernible - 2:57:33) another  
24      case, he is going to do the same, he's going to bring this  
25      up and that's not -- (indiscernible - 2:57:40) do the same

1 (indiscernible - 2:47:42) case because (indiscernible -  
2 2:57:43) admission, it applies to that too.

3 THE COURT: I don't know --

4 MR. DAHIYA: There is nothing special about  
5 (indiscernible - 2:57:52) about the other person, Your  
6 Honor.

7 THE COURT: Well, I think that in this case --

8 MR. GELTZER: (Indiscernible - 2:57:56).

9 THE COURT: Excuse -- let --

10 MR. GELZTER: -- the facts.

11 THE COURT: Can I respond, Mr. Geltzer?

12 MR. GELTZER: Of course, Judge. I'm sorry.

13 THE COURT: I think that what is different in this  
14 case is that in my view to my -- the way I see it is that  
15 you have attacked Mr. Geltzer personally in this case and he  
16 has not done the same thing with regard to you. He has -- I  
17 don't think -- I think that the level of personal attack has  
18 been quite different. Mr. Geltzer has complained about  
19 things you have done in the context of this case, but that  
20 is different than accusing, you know, as you have accused  
21 him of discrimination and misconduct.

22 MR. DAHIYA: (Indiscernible - 2:58:42) client is  
23 willing to testify.

24 THE COURT: Well, I don't care what your -- you  
25 know, what -- I don't -- you think you're going to put your

1 client -- your client's opinion is -- do you think that that  
2 is --

3 MR. DAHIYA: (Indiscernible 2:59:01).

4 THE COURT: -- that that proves --

5 MR. DAHIYA: (Indiscernible - 2:59:04) personally.

6 What happens is that you have a 341 meeting, Your Honor, and  
7 we see that -- I --

8 THE COURT: Well, I -- you're right. I'm not  
9 attending the 341 meetings and it's not appropriate for you  
10 to be putting -- for you to make representations about what  
11 has happened at a 341 meeting in court papers; particularly  
12 not in the context of attacking the trustee. If there's  
13 something that you think needs to be brought to my  
14 attention, you need to provide a transcript. This is an  
15 unsubstantiated ad hominem attack and the fact that your  
16 client may have -- whatever your client may have thought or  
17 felt or what you may feel, is really of no relevance here.  
18 Certainly not of -- it's of relevance to me in the context  
19 of this case. You can, again, you can bring this to the  
20 attention of the United States Trustee.

21 MR. DAHIYA: Yes, Your Honor.

22 THE COURT: But this is not my -- this is not  
23 something that you can -- that is appropriate in this case.  
24 And particularly not when you -- in an unsubstantiated way.  
25 And it's not of any relevance to the issues in the case,

1 either.

2 MR. DAHIYA: Yes, Your Honor. I have a request  
3 and my request is -- let the trustee (indiscernible -  
4 3:00:00) --

5 MR. GELTZER: I don't understand --

6 THE COURT: I -- we can't --

7 MR. DAHIYA: (Indiscernible - 3:00:30).

8 THE COURT: What? I --

9 MR. DAHIYA: And --

10 THE COURT: I can't understand you, Mr. Dahiya.

11 Go --

12 MR. DAHIYA: I mean, Your Honor -- what I was  
13 saying was, I would (indiscernible - 3:00:38) or the trustee  
14 can adopt the terms of the stipulation. (Indiscernible -  
15 3:00:45) agree with that. (Indiscernible - 3:00:50) on this  
16 issue and let the (indiscernible - 3:00:57) that I like.

17 THE COURT: Well, how about if I suggest what the  
18 terms are?

19 MR. DAHIYA: Okay. (Indiscernible - 3:01:07) Your  
20 Honor, that's --

21 THE COURT: Sorry.

22 MR. DAHIYA: (Indiscernible - 3:01:08) to that.

23 MR. GELTZER: (Indiscernible - 3:01:09).

24 THE COURT: Well, you know what, if you -- I think  
25 maybe I -- I don't want to go beyond where I should go with

1 this. But I think -- and I will --

2 MR. DAHIYA: I think we need a short -- let me  
3 think on the terms and (indiscernible - 3:01:27).

4 THE COURT: Why do you need -- why do you have to  
5 think about it? It's very simple.

6 MR. DAHIYA: (Indiscernible 3:01:37) you said, he  
7 feels that (indiscernible - 3:01:44) with a mutual request  
8 that we will respect each other and they will not do ad  
9 hominem attacks. That shows -- I mean, he said no, he won't  
10 do that because it's a vicarious admission on his part. I  
11 think, same thing applies to me, too.

12 THE COURT: But you have engaged --

13 MR. DAHIYA: (Indiscernible - 3:02:04) when I'm  
14 fighting for the clients, fighting for -- and I have respect  
15 for the law. (Indiscernible - 3:02:12). And now that --

16 THE COURT: All right. But --

17 MR. DAHIYA: (indiscernible - 3:02:14), Your  
18 Honor.

19 THE COURT: But you have engaged in ad hominem  
20 attacks, Mr. Dahiya.

21 MR. DAHIYA: (Indiscernible - 3:02:23) as I said  
22 that, I'm not sure this is -- can be dismissed as an ad  
23 hominem attack. I think the trustee might get a little  
24 picky about it as to why (indiscernible - 3:02:38) under  
25 these -- (indiscernible - 3:02:45) has to be an objective

1 reality (indiscernible - 3:02:48) just because someone  
2 (indiscernible - 3:02:53) issue and from some subjective  
3 (indiscernible - 3:02:56).

4 THE COURT: I think in the context --

5 MR. DAHIYA: I mean, look at this --

6 THE COURT: -- of this case --

7 MR. DAHIYA: -- there are other people that  
8 (indiscernible - 3:03:02) another attorney in the cases --

9 THE COURT: I think in the context of this case  
10 accusing Mr. -- the trustee of discrimination is an ad  
11 hominem attack particularly since it has zero relevance to  
12 any issue that would -- that I would be -- that would ever  
13 be before the Court in this case. That is before the Court  
14 in this case. The relevant -- the issues before the Court  
15 in this case had to do with your client's production of the  
16 documents and the merits of the trustee's action. And what  
17 -- your belief or your allegations about the trustee had no  
18 relevance to that. None whatsoever. Even if the trustee --  
19 even if you were right about that, your client still has to  
20 produce documents. You see? That's my point.

21 MR. DAHIYA: I know (indiscernible - 3:03:54).

22 MR. GELTZER: Judge, may I make a suggestion? May  
23 I make a suggestion, please?

24 THE COURT: Please.

25 MR. GELTZER: Why don't Mr. Dahiya and I order a

1 copy of the transcript of this hearing and split the costs  
2 for it and then based upon that, Mr. Dahiya can settle and  
3 order and if I have problems with the order, I'll state my  
4 problems with the order, or we settle upon an order, and  
5 then the Court can decide whether or both or neither.

6 THE COURT: Maybe -- if you think it's any  
7 possibility that the two of you could agree on a form of  
8 order?

9 MR. DAHIYA: I will try my best, Your Honor.

10 THE COURT: Okay. All right.

11 MR. DAHIYA: I'm -- Your Honor, I might have to be  
12 (indiscernible - 3:04:56) after tomorrow for (indiscernible  
13 - 3:04:58) I'll be available online (indiscernible -  
14 3:05:02) go see my mother and just want you to know about  
15 it.

16 THE COURT: Well, can I -- maybe what I should do  
17 is this. How about if I say that -- direct you two each to  
18 settle an order within 30 days? Is that too much time, not  
19 enough time? Well, it wouldn't be not enough, I should  
20 think.

21 MR.DAHIYA: Well, if you give us more time because  
22 (indiscernible - 3:05:27) visit my mother and I just --

23 THE COURT: But Mr. Dahiya --

24 MR. DAHIYA: Yes.

25 THE COURT: -- you said you were going to away for

1 14 days.

2 MR. DAHIYA: I'll be out for (indiscernible -  
3 3:05:34), Yes, Your Honor (indiscernible - 3:05:36).

4 THE COURT: I know. I know. Okay. Mr. Geltzer,  
5 does -- what do you think?

6 MR. GELTZER: I think that's plenty of time,  
7 Judge. You have three simple sentences in your order and I,  
8 you know, that's it. There were three points to your order  
9 and I'll try to write it as close to what you said --

10 THE COURT: That's --

11 MR. GELTZER: -- as I possibly can.

12 THE COURT: That's my suggestion. And you can,  
13 you know --

14 MR. GELTZER: I'll settle an order.

15 THE COURT -- do with it as you will.

16 MR. DAHIYA: Okay. That's fine, Judge.

17 MR. GELTZER: And Mr. Dahiya's going to settle an  
18 order as well, correct?

19 MR. DAHIYA: Yes, I will. Okay.

20 MR. GELTZER: And so, we'll just adjourn this  
21 hearing again then --

22 MR. DAHIYA: Again, (indiscernible - 3:06:17)  
23 stipulation.

24 THE COURT: There's to be a stipulation, wouldn't  
25 it?

1 MR. DAHIYA: (Indiscernible - 3:06:25), yes, Your  
2 Honor. It has to be, mutual covenants.

3 MR. GELZTER: It can be -- we can settle a  
4 stipulated order.

5 MR. DAHIYA: That's fine.

6 MR. GELTZER: That work for you, Judge?

7 THE COURT: That does, although I guess it's not -  
8 - I can't really sign off on it unless your both -- if  
9 you've both signed it, right?

10 MR. DAHIYA: Yes, Your Honor.

11 THE COURT: So I guess if you can't agree, we're  
12 back here again.

13 MR. DAHIYA: That'll give us time to think about  
14 it, Judge.

15 MR. GELTZER: I'd just like to know what you want  
16 me to do now, Judge. I'm --

17 THE COURT: Understood.

18 MR. GELTZER: What do you want me to do? What do  
19 I do now? I'm not --

20 MR. DAHIYA: (Indiscernible - 3:07:09) the terms  
21 of the stipulation that you want and I'll send the terms of  
22 the stipulation that I want. We each will try to agree.  
23 It's a moot point. We'll take the Court's help in this  
24 case.

25 THE COURT: Okay. Why don't we do that? And I'll

1 tell you what; why don't we schedule another conference so I  
2 won't -- and we can discuss any outstanding issues you may  
3 have on this.

4 MR. DAHIYA: Thank you, Your Honor.

5 THE COURT: Would that be okay?

6 MR. GELTZERZ: That's fine, Judge.

7 THE COURT: And should I give you a conference  
8 date for the week of February 24th?

9 MR. DAHIYA: Judge, can you please, Your Honor,  
10 can you make it in March? The first week of March, that's  
11 fine?

12 THE COURT: Are you not back in the United States  
13 until March?

14 MR. DAHIYA: No, I'm back. I'm back, Your Honor.  
15 I have other cases -- (indiscernible - 3:07:57)--

16 MR. GELTZER: He wants the first week in March,  
17 that's fine, Judge.

18 MR. DAHIYA: (Indiscernible - 3:08:01) of March is  
19 good for me.

20 MR. GELTZER: It doesn't matter, one week, another  
21 week.

22 THE COURT: Okay. March 6th?

23 MR. DAHIYA: 6th?

24 THE COURT: At 3 o'clock.

25 MR. GELTZER: I have a deposition starting at two,

1 Your Honor.

2 THE COURT: Okay. The 5th?

3 MR. GELTZER: I have to be before Judge Lord, as  
4 of now, at two o'clock.

5 THE COURT: Okay.

6 MR. GELTZER: I can --

7 THE COURT: Can we do it at -- do you want to do  
8 it at one on March 5th?

9 MR. GELTZER: No, because I'll be on my way there.  
10 I could to it the morning of March 5, or --

11 MR. DAHIYA: I'm in court (indiscernible -  
12 3:08:46).

13 MR. GELTZER: (Indiscernible - 3:08:47) I'll be in  
14 the -- I would think Judge Lord's hearing should be over by  
15 4, 4:30 it's not a big case but I think it should be over by  
16 then. Do 4 or 4:30 on March 5, Judge.

17 THE COURT: How's that? If you're here, you can  
18 just -- you could just come to the courtroom then rather  
19 than --

20 MR. GELTZER: That would be better in case the  
21 hearing runs late. I don't think I'll get back to my office  
22 by 4 or 4:30, so -- but I can certainly be there at 4:30 and  
23 if I'm still before Judge Lord, perhaps he'll just give me  
24 some additional time.

25 THE COURT: March 5th, 4:30. Mr. Dahiya?

1 MR. DAHIYA: Your Honor, just give me one second.  
2 I'll just -- I think -- March 5th. Just give me a second  
3 here, please. What time, Your Honor?

4 THE COURT: Four thirty.

5 MR. DAHIYA: That's fine, Judge.

6 MR. GELTZER: Judge.

7 THE COURT: Yes.

8 MR. GELTZER: Question, please. Assuming we come  
9 to an agreement on this stipulation, that's fine. If,  
10 however, we don't come to an agreement on this stipulation,  
11 I hope the Court will at least take a look at each of the  
12 stipulations that was put before the other party.

13 THE COURT: Well, let's -- we'll talk about that  
14 -- I'm not going to address that right now. I think if  
15 you're unable to agree, I'll probably end up having to write  
16 an opinion.

17 MR. GELTZER: Okay.

18 THE COURT: And we'll -- I'll -- and it's going to  
19 be -- it's going to be difficult -- but I -- but I'll be  
20 glad to do it. So I think that -- I think it would be a  
21 very good thing for both of you if you could -- if this  
22 could be -- if you could put this case away and move  
23 forward.

24 MR. GELTZER: By when should each of us provide  
25 the other party with the our proposed stipulation?

1           THE COURT: February -- how about in one week? Is  
2 that possible, Mr. Dahiya?

3           MR. DAHIYA: (Indiscernible - 3:11:11)

4           MR. GELTZER: (Indiscernible - 3:11:12)

5           THE COURT: Go ahead.

6           MR. GELTZER: We have to get the transcript,  
7 Judge. I don't think we can get it in a week.

8           THE COURT: What would be your -- what --

9           MR. GELTZER: And --

10          THE COURT: -- do you --

11          MR. GELTZER: I think we should split the cost of  
12 the transcript, as I said.

13          THE COURT: Okay. Mr. Dahiya, are you prepared to  
14 split the cost of the transcript?

15          MR. DAHIYA: I don't know. How much would it  
16 cost? I'm (indiscernible - 3:11:31) money, Judge. You  
17 know, I'm living check to check and I -- (indiscernible -  
18 3:11:40), the trustee, I think (indiscernible - 3:11:41).

19          MR. GELTZER: Well, that's not correct at all.  
20 That's an understatement.

21          MR. DAHIYA: All right. I mean I (indiscernible -  
22 3:11:50), Your Honor, and then I'll just (indiscernible -  
23 3:11:59).

24          MR. GELTZER: I'll pay for my own transcript but  
25 I'm not going to provide it.

1                   MR. DAHIYA: I don't need the transcript. I have  
2 a sharp memory. That's fine.

3                   MR. GELTZER: That's fine and just please allow me  
4 time to get the transcript, Judge, without having to incur  
5 the expense of ordering it on an expedited basis.

6                   THE COURT: What -- and what date would you like  
7 to -- would you propose with --

8                   MR. GELTZER: (Indiscernible - 3:12:20) how long  
9 does it take just to get transcripts?

10                  THE COURT: I think it's 30 --

11                  MR. GELTZER: Probably around 2 weeks.

12                  THE COURT: How long is it - non-expedited? I'm  
13 asking Mrs. Leonard (ph). Do you know?

14                  MR. DAHIYA: (Indiscernible - 3:12:33).

15                  MR. GELTZER: Why don't we each have to provide our  
16 stipulations --

17                  THE COURT: Okay.

18                  MR. GELTZER: -- to the other party by Friday --  
19 by Monday, February -- by Friday, February 28th?

20                  MR. DAHIYA: (Indiscernible - 3:12:46). February  
21 28th, okay.

22                  MR. GELTZER: Is that acceptable, Judge?

23                  THE COURT: That's fine. I think that getting the  
24 transcript if 30 days.

25                  MR. GELTZER: Oh, 30 days.

1 THE COURT: Without paying extra for expedited.

2 MR. GELTZER: So do you want to put the conference  
3 further out, Judge?

4 THE COURT: I don't look forward to reading the  
5 transcript of this conference.

6 MR. GELTZER: I don't look forward to it either.

7 THE COURT: Okay. You want --

8 MR. GELTZER: Or the one from Wednesday, which  
9 I've also ordered.

10 THE COURT: Okay, then.

11 MR. GELTZER: So you want to move it beyond  
12 March 5 so that I can get it and --

13 THE COURT: March 19?

14 MR. GELTZER: March 19 - that's fine. What time,  
15 Judge? No, I can't do by phone. Whatever time you like.

16 THE COURT: Four o'clock.

17 MR. GELTZER: Four o'clock on Wednesday, March 19.

18 MR. DAHIYA: (Indiscernible - 3:13:53).

19 THE COURT: Okay. So when are you going to  
20 exchange stips?

21 MR. DAHIYA: (Indiscernible - 3:13:59), Your  
22 Honor.

23 MR. GELZTER: No, because that's why we moved the  
24 date to allow more time to get the transcript, so --

25 THE COURT: How about the 14th?

1 MR. GELTZER: That's fine. Friday, the 14th.

2 THE COURT: Yes.

3 MR. DAHIYA: (Indiscernible - 3:14:20) Okay.

4 THE COURT: All right. Anything else?

5 MR. DAHIYA: No, thank you, Judge.

6 MR. GELTZER: I have nothing else.

7 THE COURT: Okay.

8 MR. DAHIYA: Thank you. Good day, Your Honor.

9 THE COURT: Thanks.

10 MR. GELZTER: Bye.

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13 (Whereupon proceedings concluded at 3:15 PM)

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1 C E R T I F I C A T I O N

2  
3 I, Pamela A. Skaw, certify that the foregoing transcript is  
4 a true and accurate record of the proceedings.

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Veritext

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330 Old Country Road, Suite 300

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Mineola, NY 11501

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Date: February 21, 2014